

Date

Mr. Terry Hand
Council Attorney
St. Tammany Parish Government
P.O. Box 628
Covington, La. 70434

Re: Board Docket No. 2015-1243

Dear Mr. Hand:

The Louisiana Board of Ethics, at its January 15, 2016 meeting, considered your request for an advisory opinion regarding whether the Code of Governmental Ethics would prohibit Mr. Rykert Toledano from continuing to serve as the Chairman of the St. Tammany Levee, Drainage, and Conservation District once he is sworn in as the newly elected Councilman for St. Tammany Parish District 5. You provided that the St. Tammany Levee, Drainage, and Conservation District is a political subdivision of the State created pursuant to Act 303 of the 2014 Regular Session.

In compliance with La. R.S. 38:291, the St. Tammany Parish President nominated Mr. Toledano for consideration by the Governor and Mr. Toledano's nomination was ratified by the Parish Council. Mr. Toledano was appointed to the St. Tammany Levee, Drainage, and Conservation District by the Governor and confirmed by the Senate. You stated that Mr. Toledano has confirmed that once he begins his term of office he will not accept a per-diem for his service on the St. Tammany Levee, Drainage, and Conservation District. Further, you added that Mr. Toledano, as a Parish Councilman, will abstain from voting on any matter which involves the St. Tammany Levee, Drainage, and Conservation District which may come before the Parish Council.

The Board concluded, and instructed me to inform you, under the facts presented, there are no provisions in the Louisiana Code of Governmental Ethics which would prohibit Mr. Toledano from serving as an elected member of St. Tammany Parish Council and serving the remainder of his term as Chairman of the St. Tammany Levee, Drainage, and Conservation District. However, after the expiration of his current term, Mr. Toledano should be advised that La. R.S. 42:1113A would prohibit him from being confirmed as a nominee by the Parish Council while he serves on the Parish Council. La. R.S. 42:1113A provides that no public servant shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of such public servants agency. While La. R.S. 42:1113A(1)(b)(ii) provides an exception for an appointment by the parish governing authority of one of its members to a board or commission if he receives salary or no per-diem, is not applicable as the governing authority is nominating one of its members. Therefore, Mr. Toledano would be prohibited from being nominated by the Parish President subject to the ratification of the Parish Council while serving as a member of the Parish Council.

Additionally, Mr. Toledano should be advised that this opinion request may present an issue associated with the Louisiana Dual Office-Holding laws, which are under the jurisdiction of the Attorney General.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,
LOUISIANA BOARD OF ETHICS

Suzanne Quinlan Mooney
For the Board

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THIS IS NOT AN OPINION OF THE BOARD OF
ETHICS